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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,241	02/20/2002		Holly Hogrefe	25436/2155	7186
27495	7590	10/25/2004		EXAMINER .	
PALMER &	& DODG	E, LLP		HUTSON, R	ICHARD G
KATHLEEN	M. WILI	JAMS / STR			
111 HUNTI	NGTON A	VENUE	ART UNIT	PAPER NUMBER	
BOSTON, MA 02199				1652	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	ilication No. Applicant(s)					
Advisory Action	10/079,241	HOGREFE ET AL.					
Advisory Action	Examiner	Art Unit					
	Richard G. Hutson	1652					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
HE REPLY FILED 02 September 2004 FAILS TO PLA herefore, further action by the applicant is required to a nal rejection under 37 CFR 1.113 may only be either: (ondition for allowance; (2) a timely filed Notice of Appe examination (RCE) in compliance with 37 CFR 1.114.	rvoid abandonment of this applicable the substitution of this application of this application appeal fee); or (3) a time at the substitution of this appeal fee); or (3) a time appeal fee); or (4) appeal	cation. A proper re ich places the appli	oly to a cation in				
PERIOD FOR RE	EPLY [check either a) or b)]						
a) The period for reply expiresmonths from the mailing of the period for reply expires on: (1) the mailing date of this Adverse, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The datave been filed is the date for purposes of determining the period of extensions of the shortened of above, if checked. Any reply received by the Office later than three mainred patent term adjustment. See 37 CFR 1.704(b).	visory Action, or (2) the date set forth in the an SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THE on which the petition under 37 CFR 1. sion and the corresponding amount of the distatutory period for reply originally set in	f the final rejection. E FINAL REJECTION. 136(a) and the appropriate fee. The appropriate ex the final Office action; or	See MPEP e extension fee tension fee under (2) as set forth in				
1. A Notice of Appeal was filed on <u>02 September 2004</u> 37 CFR 1.192(a), or any extension thereof (37 CF	R 1.191(d)), to avoid dismissal	d within the period s of the appeal.	set forth in				
2. $igtiz$ The proposed amendment(s) will not be entered b	ecause:						
(a) ☑ they raise new issues that would require further consideration and/or search (see NOTE below);							
(b) they raise the issue of new matter (see Note below);							
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
(d) they present additional claims without cance	ling a corresponding number of	finally rejected clai	ms.				
NOTE: See Continuation Sheet.							
3. Applicant's reply has overcome the following rejection	ction(s):						
 Newly proposed or amended claim(s) would canceling the non-allowable claim(s). 	d be allowable if submitted in a	separate, timely file	d amendment				
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because: S		sidered but does N	OT place the				
6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.	cause it is not directed SOLELY	to issues which we	ere newly				
7. For purposes of Appeal, the proposed amendmer explanation of how the new or amended claims v	$\operatorname{at}(s)$ a) \boxtimes will not be entered or $\operatorname{at}(s)$	b)∏ will be entered low or appended.	and an				
The status of the claim(s) is (or will be) as follows	:						
Claim(s) allowed:							
Claim(s) objected to:							
Claim(s) rejected: 64-87.							
Claim(s) withdrawn from consideration:							
8. ☐ The drawing correction filed on is a) ☐ ap	proved or b) disapproved by	the Examiner.					
9. Note the attached Information Disclosure Statement	ent(s)(PTO-1449) Paper No(s).	<u>—</u> : 111	,				
10. Other:		I HA	5				
		Richard G Hutson Primary Examiner Art Unit: 1652					

Application No.

Continuation Sheet (PTOL-303) 110/079,241

Continuation of 2. NOTE: Applicants proposed amendment will not be entered because it would introduce a number of new issues which would require further consideration and or search. Specifically applicants proposed amendment to claims 67, which recites "wherein said mutant Archael DNA polymerase is a mutant Pfu DNA polymerase, said mutant Pfu DNA polymerase does not contain a mutation at D405" is a new issue that would require further search and result in a new 112 first pararaph rejection based on new matter. Further applicants proposed amendment of claims 68, 69, 71, 73, 86, 89-94 each introduce new issues that at the very least have not yet been searched.

Continuation of 5. does NOT place the application in condition for allowance because: the rejections of record remain in light of the non-entry of applicants proposed amendment, as applicants arguments are based on the proposed amendments of the claims.